

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
ETHICS BOARD MINUTES
MARCH 18, 2010**

The meeting was called to order by Christian Baguer, Vice Chairperson, at 7:08 pm.

Flag Salute

SUNSHINE LAW: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of the Ethics Board. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to **The Record** and the **Ridgewood News**, posted on the Borough website and filed with the Borough of Dumont on December 3, 2009.

ROLL CALL: Christian Baguer, Adriann Green, Salvatore Mastroeni, Thomas Reagan-present
Rafael Riquelme, Joanne Westphal-absent

Also present at the meeting was Anne Marie Rizzuto, Board Attorney, and Kathy Schaefer, Board secretary.

Motion to open the meeting to the public: Mr. Mastroeni, second Mr. Reagan
All in favor: Aye
Motion passed.

There being no members of the public present, the citizen's hearing was closed.

Motion to approve the minutes of the January 21, 2010 meeting: Mr. Mastroeni, second Ms. Green
All in favor: Aye
Motion passed.

A copy of Resolution #10-03 Authorizing Professional Services for 2009 for Anne Marie Rizzuto was sent to each of the Board members prior to the meeting for their review. Ms. Rizzuto advised that as mentioned at the Board's last meeting, she did leave her law firm as of May 15, 2009. She advised that since we did not have meetings after that, she had forgotten to put on the agenda for the November 2009 meeting. She stated that correspondence was sent from her office to the clerk's office and there was no billing for legal services during that period. This resolution is retroactive for the period May 15 through December 31, 2009.

Motion to approve Resolution #10-03 Authorizing Professional Services for 2009 for Ms. Rizzuto: Mr. Reagan, second Mr. Mastroeni
All in favor: Aye
Motion passed.

Copies of the Board Attorney's Invoice dated March 1, 2010 were distributed to each of the Board members. This procedure is in accordance with revised guidelines set forth by the Borough for legal service invoices which must be now reviewed by the committee members prior to being processed. In the past the Chairperson of the Board was authorized to approve its respective invoices. Ms. Rizzuto indicated that she had contacted Joanne Westphal, Chairperson, and the board secretary, advising them that in the future she did not want the Board to feel that they had to have a meeting just to approve her invoice if that was the only item on the agenda. She also advised that if there are no legal opinions needed at a meeting, she does not need to attend that meeting even though we may still want to have the meeting to resolve administrative matters. If we ever have any issues regarding her billing, she would want us to contact her to discuss the matter. Mr. Baguer advised that he would prefer to try not to let the meetings go beyond two months.

Motion to approve March 1, 2010 invoice from Ms. Rizzuto: Ms. Green, Mr. Mastroeni
All in favor: Aye
Motion passed.

A copy of the Board Attorney's contract for 2010 was sent to each of the Board members prior to the meeting for their review. Ms. Rizzuto advised that she kept her rates the same as those contained in the RFQ that she had submitted for 2010. All references to her prior law firm have been removed and her individual name and individual address are shown on the contract. The litigation provision previously provided for partner attorneys at a rate of \$275 and of counsel, which she was at her previous law firm, of \$200, so she kept it at \$200 rather than go with the higher rate.

Motion to Approve Board Attorney contract for 2010 and to Authorize signature by the Chair or Vice Chair and witnessed by the Board Secretary: Mr. Reagan, second Ms. Green
All in favor: Aye
Motion passed.

Citizen Service Act Update

Ms. Schaefer advised that at the last meeting of the Ethics Board, there was discussion as to whether or not an individual who is appointed or reappointed to a Board needs to complete the Citizen Leadership Form. On February 6, 2010, the Local Finance Board indicated that after review of the legislative history, discussion with the advocates and with the Division of Law, local officials advised that the completion of the form is not required for a person to be appointed under the Law.

Upon re-reading the "Vacancy in Positions" clause, Ms. Schaefer advised she noticed that it says "The law now permits any municipality to adopt by ordinance a policy to reduce the number of unexcused absences from the statutory limits shown in the following table"; so does that mean we can put something into effect but we don't have to.

Ms. Rizzuto gave out a handout regarding The Citizen Service Act which included a copy of the actual statute, The New Jersey State League of Municipalities letter regarding the statute and a

sample Citizenship Leadership form. Discussion followed regarding the various provisions contained in the new law.

Ms. Rizzuto advised that the law set a minimum threshold on the number of unexcused absences a board member may have. The law indicates that if a local municipality wants to make more stringent requirements, they can, but they cannot go below six consecutive weeks or three consecutive meetings. The ordinance is not required to be adopted. With respect to the Ethics Board, we can make a decision on whether we want to make a recommendation to the governing body; is there something we want to do officially to advise them that we have reviewed this and we want to bring to the Council's attention that it may be a good idea to consider adopting an ordinance. Mr. Baguer stated that he would like to review this again, to see whether there is a necessity for it; see if the town, through any of its other boards, has had any issues where something like this would be required. Mr. Baguer stated that he feels we should think about it but in his opinion, he would probably like to make a recommendation to the government body to make an ordinance which would apply to all boards, as opposed to each board, just so there is some conformity.

Mr. Baguer advised that he had sent an email to all the members recommending that a member of the Ethics Board appear at one of the regularly scheduled meetings of the Mayor and Council. Mr. Riquelme had signed up for the February meeting and Mr. Baguer, as well as Mr. Riquelme, had attended the March 16th meeting. Of note, Mr. Baguer advised that at the March meeting there were a number of accolades for the Police, Fire, DPW and all the other first response units in Dumont who were helping out during the last two major storms that we had. He would like to reiterate the gratitude, on his own behalf, for all the efforts that were done by all those involved. The board members all agreed with Mr. Baguer's comments.

Motion to adjourn the meeting at 7:45 pm: Mr. Maestroni, second Mr. Reagan
All in favor: Aye
Motion passed.

The next regularly scheduled meeting of the Ethics Board is May 20, 2010.

Minutes respectfully submitted by

Kathy Schaefer, Ethics Board Secretary